

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BOBBY SHAWN JANOE,
 Petitioner,
 v.
 JAMES TILTON, Secretary, et al.,
 Respondents.

Civil No. 08-0420 JLS (POR)

**ORDER SUA SPONTE SUBSTITUTING
 RESPONDENT**

On March 5, 2008, Petitioner, a state prisoner proceeding pro se, submitted a Petition for Writ of Habeas Corpus. At the time of filing, Petitioner was apparently housed at Calipatria State Prison and thus named L.E. Scribner, Warden, as Respondent. Based on the notice of change of address Petitioner submitted to the Court on May 1, 2008, it appears Petitioner is no longer housed at Calipatria State Prison; rather, it appears he is presently incarcerated at California Substance Abuse Treatment Facility in Cocoran, California.

A writ of habeas corpus acts upon the custodian of the state prisoner. *See* 28 U.S.C. § 2242; Rule 2(a), 28 U.S.C. foll. § 2254. Because Petitioner's place of custody has changed, so has his custodian. Accordingly, in order to conform with the requirements of Rule 2(a) of the Rules Governing § 2254 Cases and to avoid changing the Respondent again if Petitioner is transferred to another prison or paroled, the Court hereby sua sponte **ORDERS** the substitution of James Tilton, Secretary of the California Department of Corrections and Rehabilitation, as Respondent in place of "L.E. Scribner."

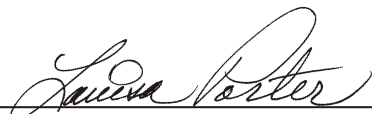
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1 *See Ortiz-Sandoval v. Gomez*, 81 F.3d 891, 894 (9th Cir. 1996) (stating that the respondent in § 2254
2 proceedings may be the chief officer in charge of state penal institutions).

3 The Clerk of the Court shall modify the docket to reflect “James Tilton, Secretary” as respondent
4 in place of “L.E. Scribner.”

5 **IT IS SO ORDERED.**

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7 DATED: May 9, 2008

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10 LOUISA S PORTER
11 United States Magistrate Judge
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